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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,926	11/30/2002	J. Martin Pfaff	62984-5002	5325

24574 7590 03/07/2007  
JEFFER, MANGELS, BUTLER & MARMARO, LLP  
1900 AVENUE OF THE STARS, 7TH FLOOR  
LOS ANGELES, CA 90067

EXAMINER
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DANG, DUY M

ART UNIT	PAPER NUMBER
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2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/065,926	<b>Applicant(s)</b> PFAFF, J. MARTIN	
	<b>Examiner</b> Duy M. Dang	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 15-22 and 24-29 is/are allowed.
- 6) ☐ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Applicant's amendment filed on December 12, 2006 has been entered and made of record.
2. The rejection of claim 15 under section 35 USC 101 is withdrawn in view of applicant's amendment filed on December 12, 2006.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a) because the descriptive labels for items 204, 202, S, I, R, L, P are not included in figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 8-14 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The program/instruction/software stored/embedded on the memory is critical or essential to the practice of the invention, but not included in the claim(s) is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). In this case, the claimed “memory” recited in 4 of claim 8 does not include program/instructions/software and therefore, such claimed “memory” can not cause the processor to function. For example, a computer with memory and processor installed but lack of program/software/instructions has no functionality.

Claims 9-14 depend from claim 8 and are also rejected for the same reasons.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 8-9 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al. (USPN 5,954,650. Art of record, IDS filed on 4/17.03, referred as Saito hereinafter).

The allowability of claims 8-9 and 13-14 indicated in the previous Office action is now withdrawn in view of the Saito. Regarding claim 8, Saito teaches a display system (see figures

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1-3 and column 12 lines 25-65: display 1 of figure 1 is controlled by CPU 27 of figure 3) comprising: a display (item 1 of figure 1); a processor coupled to the display (see figures 1-3 and column 12 lines 25-65: display 1 of figure 1 is controlled by CPU 27 of figure 3. Also refer to display section 21 of figure 3); memory (see figure 3 and column 5 lines 15-44. Note CPU 27 [memory is inherently included in CPU itself], bus 28, driver included in item 21 [memory is inherently include so that driver can be installed or stored thereon], image storage section 23, and data base 26 all or each refers to the so called “memory”); display an image from a first series of images for a subject in a first orientation on the display (see each series of images displayed at 3, 4, and 5 of figure 1; furthermore, image displayed at 3a, 3b, and 3c of figure 1 each refers to claimed “first series of images” as well); receiving a selection signal directed to the image (see setting a region of interest ROI mentioned at column 4 lines 58-68. Such setting ROI refers to the so called “selection signal”); and display a corresponding image from a second series of images for the subject in a second orientation on the display based on the selection signal (see images display at 4 and 5 of figure 1; furthermore, image display at 4b, for example can be as well as refer to second series of images).

Saito further teaches: the memory further configured to cause the processor to receive the first and second series of images (see figure 1 and rejection of claim 8 above) as required by claim 9, display a corresponding location indicator in the corresponding image (see F2A, F2B, F3A, F3B of figure 1) as required by claim 13, and display a second corresponding from a third series of image for the subject in a third orientation on the display based on the selection signal (see fusion image displayed at 5, images display at F2A, F2b, and 5c of figure 1) as required by claim 14.

***Allowable Subject Matter***

8. Claims 1-7, 15-22, and 24-29 are allowed.

The following is an examiner's statement of reasons for allowance:

The cited prior art fails to teach or suggest the claimed invention as recited in independent claims 1, 15, and 16. Likewise, dependent claims 2-7, 17-22, and 24-29 are allowed for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M. Dang whose telephone number is 571-272-7389. The examiner can normally be reached on Monday to Friday from 6:00AM to 2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

dmd  
3/1/07



**DUY M. DANG**  
**PRIMARY EXAMINER**